

BEFORE THE IDAHO BOARD OF TAX APPEALS

IN THE MATTER OF THE APPEALS OF RODDY H.) APPEAL NOS. 07-A-2637
ANDERSON from the decisions of the Board of) AND 07-A-2638
Equalization of Valley County for tax year 2007.) FINAL DECISION
) AND ORDER

RESIDENTIAL PROPERTY APPEALS

THESE MATTERS came on for hearing December 13, 2007, in Cascade, Idaho before Hearing Officer Travis VanLith. Board Members Lyle R. Cobbs, David E. Kinghorn and Linda Pike participated in this decision. Appellant Rod Anderson appeared at hearing. Assessor Karen Campbell, Chief Deputy Assessor Deedee Gossi, and County Appraiser June Fullmer appeared for Respondent Valley County. These appeals are taken from two decisions of the Valley County Board of Equalization denying the protests of valuation for taxing purposes of properties described as Parcel Nos. RPM02390000690A and RPM02390000700A.

The issues on appeal are the market values of one vacant land property (Parcel 690) and one improved property (Parcel 700).

The decision of the Valley County Board of Equalization is affirmed for Parcel 690 and modified for Parcel 700.

FINDINGS OF FACT

VACANT RESIDENTIAL LAND

Parcel No. RPM02390000690A (Parcel 690) **Appeal No. 07-A-2637**

The assessed land value is \$118,580. Appellant requests the land value be reduced to \$100,000.

The subject property is a vacant .252 acre lot located in McCall, Idaho. Appellant described the property as located in a modest neighborhood, surrounded by trees with natural landscaping, no natural amenities and a minimal view.

Appellant asserted the assessed value of subject was not market value.

Appellant furnished Information on several bare land sales which took place in 2007. According to Appellant, the sale prices were less than subject's assessed value.

Respondent presented three (3) 2006 unimproved sales to support subject's assessment. These properties ranged in size from .289 to .315 acres and sold for between \$149,000 and \$175,000. Subject Parcel 690 is smaller than these comparable sales and is assessed for less. Parcel 700 (see below) is larger, .357 acres than the comparable lot sizes and is also assessed for less, at \$125,180.

IMPROVED RESIDENTIAL PROPERTY

Parcel No. RPM02390000700A (Parcel 700) **Appeal 07-A-2638**

The assessed land value is \$125,180, and the improvements' valuation is \$650,100, totaling \$775,280. Appellant requests the land value be reduced to \$110,000 (\$97,000 at hearing), and the improvements' value be reduced to \$440,000, totaling \$537,000.

The subject property is a .357 acre lot located in McCall, Idaho. It is improved with a 4,447 square foot, 4 bedroom, 3 full bath and 2 half bath, 7 year old residence. Appellant described subject as located in a modest neighborhood, surrounded by trees with natural landscaping, no natural amenities and a minimal view. The County graded the residence as "good+".

Appellant referenced a 2005 fee appraisal. Appellant created a detailed table showing sales of improved lots used on the appraisal versus their assessed values from 2005, 2006 and 2007.

Appellant furnished Real Estate printouts detailing other sale properties. The 2006 sales ranged in price from \$515,000 to \$785,000 and in size from .25 to 1.89 acres. Residences were

between 1,601 and 3,500 square feet. The Appellant claimed the average sale price of the comparable sales was \$256,000 less than subject's assessed value. Appellant considered the sale properties superior in terms of age, location, quality and amenities. No adjustments were made for differences between the sales and the subject property.

The County presented three (3) improved sales that occurred during 2006 to support the assessment of subject. The Assessor maintained these sales were located in the general area of subject and were of similar grade. The sales ranged from \$365,000 to \$493,500 with residences between 1,426 and 2,411 square feet. No adjustments were made to the sales for differences compared to subject.

At hearing there was a question of subject's square footage. The record was left open to allow opportunity for re-measurement. The Assessor recommended new measurements of 4,447 (adjusted from 4,906 square feet) and a new improvement value of \$594,630.

CONCLUSIONS OF LAW

This Board's goal in its hearings is the acquisition of sufficient, accurate evidence to support a determination of fair market value. This Board, giving full opportunity for all arguments and having considered all testimony and documentary evidence submitted by the parties in support of their respective positions, hereby enters the following.

For the purposes of property taxation, Idaho is a market value State as defined by Idaho Code § 63-201(10):

“Market value” means the amount of United States dollars or equivalent for which, in all probability, a property would exchange hands between a willing sell, under no compulsion to sell, and an informed, capable buyer, with a reasonable time allowed to consummate the sale, substantiated by a reasonable down or full cash payment.

Market data considered in the appraisal of property is limited to information of sales prior to the statutory lien date.

(1) All real, personal and operating property subject to property taxation must be assessed annually at market value for assessment purposes as of 12:01 a.m. of the first day of January in the year in which such property taxes are levied, except as otherwise provided. Market value for assessment purposes shall be determined according to the requirements of this title or the rules promulgated by the state tax commission. *Idaho Code § 63-205*

The information in Appellant's 2005 appraisal is not timely or appropriate to establish 2007 market values and therefore, will not be considered by the Board. Likewise, the other 2005 sales and the 2007 sales will not be considered.

The Board appreciates the amount of work Appellant put into preparation for this appeal. The sale prices of Appellants comparable sales are lower than subject's (Parcel 700) assessed value. Also, Appellant's sales appear to the Board to be superior because they were more comparable to subject than Respondent's sales in terms of age, acreage, and square footage.

Respondent's sales were stated to be in closer proximity to subject, however, the total square footage of the residences was much smaller than subject.

In total we find Appellant's evidence of subject's market value to be better than the County's. This was a difficult valuation question. There was a wide range of property differences and prices reflected in the sales information. No sales were exactly similar to subject.

The necessary burden of proof is a preponderance of the evidence. Idaho Code § 63-511(4). We are convinced from the Appellant's information, subject's improvement value for Parcel 700 is overestimated. We find Appellant has met the burden of proof and a reduction in the assessed value of subject is warranted.

As for the land value concerning both parcels, Appellant has failed to meet the burden of

proof. Respondent presented evidence of lot sales from a subdivision in close proximity to subject's. The Assessor furnished sales which support the subject parcels assessed land values. Therefore, the Board affirms the assessed value of \$118,580 for Parcel No. 690. The Board also affirms the assessed land value of \$125,180 for Parcel No. 700.

FINAL ORDER

In accordance with the foregoing Final Decision, IT IS ORDERED that the decision of the Valley County Board of Equalization concerning the subject parcels be, and the same hereby is, affirmed as to the value of \$115,580 for Parcel 690, and modified as to the value of Parcel 700 as follows:

Land value	\$125,180
Improvements	<u>\$440,000</u>
Total	\$565,180

IT IS FURTHER ORDERED that any taxes which have been paid in excess of those determined to have been due be refunded or applied against other *ad valorem* taxes due from Appellant.

MAILED MAY 1, 2008